

REMARKS

Summary of Office Action

Claims 1, 3-10, 12, 13, 15-19, 21, and 24-37 are pending in this application.

Claims 1, 3-7, 12-13, 15-19, 21, 28-30, and 35-37 were rejected under 35 U.S.C. § 103(a) as being obvious from Ellis et al. U.S. Patent Publication No. 2003/0204847 (hereinafter "Ellis") in view of Alexander U.S. Patent No. 6,177,931 (hereinafter "Alexander").

Claims 8 and 9 were rejected under 35 U.S.C. § 103(a) as being obvious from Ellis in view of Alexander and Alten et al. U.S. Patent No. 5,635,978 (hereinafter "Alten").

Claim 10 was rejected under 35 U.S.C. § 103(a) as being obvious from Ellis in view of Alexander, Alten, and Marshall et al. U.S. Patent No. 5,828,420.

Claims 25 and 32 were rejected under 35 U.S.C. § 103(a) as being obvious from Ellis in view of Alexander and Macrae et al. U.S. Patent Publication No. 2003/0208756.

Claims 26, 27, 33, and 34 were rejected under 35 U.S.C. § 103(a) as being obvious from Ellis in view of Alexander and Schein et al. U.S. Patent Publication No. 2003/0208758.

Summary of Applicants' Reply

Applicant has amended claims 1, 3-10, 12, 13, 15-17, 21, 24, 28, 30-35, and 37 to more particularly define the claimed invention. No new matter has been added, and the amendments are fully supported by the originally filed

application. See, for example, p. 12, ll. 21-25; p. 13, ll. 1-9, ll. 12-21, and ll. 33-37; and FIG. 1. Applicant respectfully requests reconsideration and allowance of this application in light of the amendments to the claims and the remarks that follow.

Applicants' Reply

Applicant's independent claims 1 and 13 are directed to a television system and method for displaying an advertisement over a television program. Television program schedule information, informational messages, and information links that link the informational messages to the television program schedule information are stored in a television program schedule database. Advertising messages and advertising links that link the advertising messages to the television program schedule information are stored in an advertising database. A television program is displayed on a substantially full portion of a display monitor. A first informational message for a first program, which is linked to the television program schedule information by a first information link, is selected from the television program schedule database. A first advertising message, which is linked to the displayed television program by a first advertisement link, is selected from the advertising database. A pop up window is displayed overlaid on the displayed television program. The pop up window includes the first advertising message and the first informational message such that the television program is simultaneously displayed with the first advertising message and the first informational message.

Applicant has amended independent claims 1 and 13 to further recite that a user indication to display an informational message for a second program is received. In response to receiving the user indication, a second informational message for the second program, which is linked to the television program schedule information by a second information link, is selected from the television program schedule database. Independent of the user indication, a second advertising message, which is linked to the displayed television program by a second advertisement link, is selected from the advertising database. The pop up window is then updated to include the second informational message and the second advertisement message such that the television program is simultaneously displayed with the second informational message and the second advertising message.

For example, in one embodiment, a channel space browse mode is employed in which a pop up window overlaid on a television program includes an informational message about the channel or program currently selected by a remote controller (p. 12, ll. 21-24). Thus, when a user indication of a different channel is received through the remote controller, the pop up window is updated to display an informational message for the program on the newly selected channel. The pop up window further includes an advertising message that may be based on the television program being displayed, and a different such advertising message may be automatically displayed after a predetermined time (p. 12, ll. 19-21). Thus, in this embodiment, even though the advertising message and the informational message are displayed in the same pop window,

these displayed messages are updated using different mechanisms and may be linked to different television schedule information. In particular, the informational message is updated to correspond to different programs upon a user indication (for example), while a new advertising message is selected independently of the user indication and remains linked to the displayed television program.

The Examiner rejected independent claims 1 and 13 prior to amendment as being obvious from Ellis in view of Alexander. Applicant has amended independent claims 1 and 13 to further and more clearly distinguish the claimed invention from Ellis and Alexander, but reserve the right to pursue any subject matter lost due to the amendment in any future continuation or divisional application, and to argue the patentability of the subject matter in the future application. Applicant respectfully submits that independent claims 1 and 13, as amended, are allowable over the combination of Ellis and Alexander.

On page 3 of the Office Action, the Examiner asserts that Ellis teaches all of the features of applicant's independent claims, except for selecting an advertisement from the advertising database that is linked to the currently displayed program. The Examiner attempts to remedy this deficiency by combining Ellis with Alexander. In particular, on pages 4 and 5 of the Office Action, the Examiner cites to three portions of Alexander. The first portion (col. 32, ll. 7-21 and 35-60) generally refers to, among other things, customizing a portion of an advertisement based the zip code of the user. The second portion of Alexander (col. 33, ll. 44-65)

generally refers to a technique for selecting an advertisement for display when initially entering a guide. The third portion of Alexander (col. 29, l. 14 through col. 30, l. 44; col. 31, ll. 48-61, and col. 34, ll. 10-25) generally refers to, among other things, generating a viewer profile from monitored user viewing habits and selecting advertisements based on the viewer profile.

Applicant respectfully submits that applicant's claimed approach for updating the advertising message and informational message in a pop up window cannot be found in Ellis, even taken in combination with these sections of Alexander. Thus, applicant's features of: (1) displaying a pop up window overlaid on the displayed television program, the pop up window including the selected first advertising message (linked to the displayed television program) and the selected first informational message (for a first program), where the television program is simultaneously displayed with both the first informational message and the first advertising message, (2) receiving a user indication to display an informational message for a second program, (3) in response to receiving the user indication, selecting a second informational message for the second program, (4) independent of the user indication, selecting a second advertising message from the advertising database that is linked to the displayed television program, and (5) updating the pop up window, the updated pop up window including the selected second informational message and the selected second advertising message, where the television program is simultaneously displayed with both the second informational message and the second advertising message,

patentably improve upon Ellis and Alexander, taken alone or in combination.

In view of the foregoing, applicant respectfully submits that independent claims 1 and 13, as well as dependent claims 3-10, 12, 15-19, 21, and 24-37, which depend therefrom, are allowable over Ellis and Alexander, taken alone or in combination. Applicant respectfully requests that the § 103 rejection of claims 1, 3-10, 12, 13, 15-19, 21, and 24-37 be withdrawn.

Conclusion

For at least the reasons set forth above, applicants respectfully submit that this application is in condition for allowance. Reconsideration in light of the foregoing remarks and a favorable action are respectfully requested.

Respectfully submitted,

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